



POM 1703 Regulatory Affairs: Forged or Fraudulent Prescription Procedures

Applies To	All pharmacy associates of Wal-Mart Stores, Inc. and its U.S. subsidiaries ("Walmart"), including Sam's Club and Puerto Rico associates.
Overview	This policy provides guidance on how to identify and handle forged or fraudulent prescriptions in order to comply with State and Federal requirements, detect and prevent diversion, and protect the safety of our associates and patients.
Potential Indicators of Fraudulent, Forged, or Altered Prescriptions	<p>Associates should examine prescription documents closely for indicators that a prescription may have been forged or altered. If any of the following indicators is present, the pharmacist should follow the procedures outlined in this policy in order to confirm that the prescription is valid. (Refer to online reference POM 912 for more details.)</p> <p>The Drug Enforcement Administration suggests that the following may be indicators of a forged or fraudulent prescription:</p> <ul style="list-style-type: none">• Prescription written in more than one color of ink.• Unusually high quantities and/or dosages which differ from usual medical use.• Different handwriting styles or different penmanship, or handwriting that is "too good" or too legible.• Prescriptions written in full, without standard abbreviations, or which appear to be "textbook."• Unusual patient directions or instructions for the medication.• Altered numbers in the quantity and/or dosage unit, or obvious erasures.• Characteristics indicating a photocopied script.• Patient routinely brings suspicious prescription in during times when it is difficult for pharmacy associates to verify the prescription and/or patient attempts to pressure the associate not to verify with the practitioner.• Multiple patients appearing in a short period of time bearing similar prescriptions from the same physician.• Patient unwilling to bill all or part of the prescription cost to his or her insurance carrier.• A prescription appears to be written for other than a legitimate medical purpose by a practitioner acting outside the usual course of professional practice (refer to POM 1311 Proper Prescriber-Patient Relationship).• Requests for early refills on controlled substance prescriptions that

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indicate inappropriate use according to prescribed dosages.

- “Doctor shopping” or seeing multiple prescribers to obtain prescriptions for controlled substances.

Pharmacists should:

Expectation

- Detect prescriptions that may have been forged or altered
- Confirm the presence of a valid prescriber/patient relationship
- Validate the accuracy and authenticity of the prescription presented
- Appropriately record and document information related to possible forgeries or alterations to prescriptions
- Determine when prescriptions should not be filled
- Make appropriate referrals to law enforcement when reasonable grounds exist
- Handle communication issues arising from contacts with patients, prescribers and law enforcement that occur during the validation process.
- Contact Health and Wellness Regulatory Affairs in any circumstance where the pharmacist declines to fill a prescription because the pharmacist has concluded that the prescription is forged, altered, or issued for other than a legitimate medical purpose by a practitioner acting outside the usual course of professional practice (that conclusion can be reached because of a written or verbal statement by the prescriber or in the exercise of the pharmacist’s professional judgment).

Verifying and Reporting Forged or Altered Prescriptions

If you believe you have identified one or more indicators of a fraudulent, forged or altered prescription, you should follow these procedures:

Step	Action Required
1	<p>Verify patient name, date of birth, address, and the name of the prescribing practitioner.</p> <ul style="list-style-type: none"> • If pharmacy technician suspects a forged or fraudulent prescription, he or she should notify a pharmacist. <p>Note: Only a licensed pharmacist should handle suspected forged or fraudulent prescriptions.</p>
2	<p>Verify prescription(s) with prescribing practitioner.</p> <p>Notes: If the patient inquires about the prescription before it is verified, simply inform the patient that the</p>



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pharmacist is contacting the prescribing practitioner for clarification.

Verifying and Reporting Forged or Altered Prescriptions (Cont'd)

Step	Action Required
	<p>Notes: (Cont'd)</p> <p>Example: "There is a question regarding the prescription and the pharmacist is contacting the prescribing practitioner for clarification."</p> <ul style="list-style-type: none"> If the prescribing practitioner cannot be reached or is unable to immediately verify the prescription: <ul style="list-style-type: none"> * The pharmacist should inform the patient that more information is needed prior to dispensing medication. * Comments should be limited to the need to verify the information on the prescription. Do not discuss with the patient the pharmacist's suspicion or belief that the prescription may be forged or fraudulent, and do not make accusations of fraud against the patient.
3	Fax prescription(s) to prescribing practitioner for review.
4	<p>If the prescribing practitioner validates that the prescription is legitimate, document in the Rx Notes section of Connexus the prescribing practitioner's name, the date and time of call, and the pharmacist's initials.</p> <p style="text-align: center;">-- or --</p> <p>If prescribing practitioner indicates the prescription was not authorized, request a signed, written statement stating, "Prescription written for (patient name) on this (date) for (medication) is not authorized and is considered forged or altered," and ask the practitioner to fax the statement to the pharmacy.</p> <p>Note: Statement should be from a practitioner who is licensed to prescribe medications under law and not a nurse or an agent on behalf of a licensed practitioner.</p>
5	Upon receiving the prescriber's written validation that the prescription(s) is forged or altered, inform the patient that the prescriber has instructed not to dispense the medication.



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Verifying and Reporting Forged or Altered Prescriptions (Cont'd)

Patients can contact their physician if they believe there has been a mistake. Under **no circumstance** should a pharmacist **fill a prescription** that has been **verified** as being **forged**.

Step	Action Required
	<p>Notes:</p> <ul style="list-style-type: none"> • Make two scanned copies (one for the police and one for the pharmacy file) of the original prescription(s). • Pharmacy should retain the original prescription; however, if there is concern about a possible confrontation or the safety of other patients and/or associates, the pharmacist may give the original back to the patient. • Never attempt to detain, chase, or apprehend any individual who presents a potentially forged, fraudulent or altered prescription.
6	<p>Attach one scanned copy of the prescription(s) to the signed, written statement from the prescribing practitioner (if obtained) and retain in a secure file entitled "Forged Prescriptions."</p> <p>On the back of that copy, document the factual events of the incident (e.g., date, time, comments made, etc.). Also, note any physical characteristics of the patient who attempted to fill the prescription (i.e., hair length, hair color, clothes patient was wearing, height, weight, any distinguishing characteristics such as a tattoo, etc.) which you recall and believe are accurate.</p> <p>Maintain the second scanned copy of the prescription(s) in the same file until turned over to the local police.</p> <p>Notify HW Regulatory Affairs as outlined in Step 10 below.</p>
7	<p>If the prescriber refuses to provide written verification of the forgery but indicates the prescription was not authorized, the pharmacist should not fill the prescription, but rather should instruct the patient to check with the prescriber. If the prescriber is unavailable or uncooperative in providing any information, and the pharmacist in his or her professional judgment believes the prescription is forged or altered, the pharmacist should refuse to fill the prescription</p>
	<p>Note:</p> <ul style="list-style-type: none"> • Note any physical characteristics of the patient who



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Verifying and Reporting Forged or Altered Prescriptions (Cont'd)	attempted to fill the prescription (i.e., hair length, hair color, clothes patient was wearing, height, weight, any distinguishing characteristics such as a tattoo, etc.) which you reasonably recall and believe are accurate.	
	Step	Action Required
	Notes: (Cont'd)	<ul style="list-style-type: none"> • Maintain the second scanned copy of the prescription(s) in the "Forged Prescriptions" file until turned over to the local police. • Notify HW Regulatory Affairs as outlined in Step 10 below.
	8	<p>Contact your market health and wellness director to make him or her aware of the situation as soon as possible.</p> <p>Note: Other available resources at the Home Office are HW Regulatory Affairs, the legal department and health and wellness asset protection (see contact numbers at end of documentation).</p>
	9	<p>In any circumstance where the pharmacist declines to fill a forged or altered prescription (i.e., either because of a written or verbal statement by the prescriber or in the exercise of the pharmacist's professional judgment), contact local law enforcement authorities.</p> <p>Notes:</p> <ul style="list-style-type: none"> • When dealing with forged or altered prescriptions, calling the local authorities is recommended by the Drug Enforcement Administration (DEA) and is required in a few states (Click here for state specific requirements) • Before contacting law enforcement, ensure Steps 1 - 8 have been completed. Notify facility management and facility asset protection so that they are aware of the situation. Asset protection should review and retain any incident-related videotape and work with local law enforcement.
	10	<p>In any circumstance where the pharmacist declines to fill a prescription because the pharmacist has concluded that the prescription is forged, altered, or issued for other than a legitimate medical purpose by a practitioner acting outside the</p>



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usual course of professional practice (that conclusion can be reached because of a written or verbal statement by the prescriber or in the exercise of the pharmacist's professional judgment), a refusal to fill prescription report shall be submit the

Please refer to the detailed instructions on completing the Refusal to Fill form.

Click here and select "Archer – Compliance

This form provides important details of the transaction so that Practice Compliance may take appropriate follow up action. In addition, the pharmacist should retain a copy of the prescription in the "Forged Prescription" file.

Note: Failure to notify Regulatory Affairs will result in disciplinary action up to and including termination.

Forged or Altered Prescriptions Identified After Dispensing

If a pharmacist dispenses a prescription and subsequently learns (i.e., from law enforcement, a prescriber, another pharmacy, or other source) that the prescription was forged or altered, the pharmacist should proceed as follows.

- If law enforcement is not already involved, contact law enforcement to provide appropriate details. Contact the prescriber, if appropriate, and contact HW Regulatory Affairs as described in step 10.
- If law enforcement already is involved (i.e., law enforcement brings the forgery to the pharmacist's attention), contact the prescriber, if appropriate, and contact HW Regulatory Affairs.

Situations Which Could Lead to Arrest of Patients with Legitimate Prescriptions

When handling a suspected forged or altered prescription, associates should be aware that situations could arise where a patient possessing a legitimate prescription is questioned or arrested on suspicion of possessing a forged or altered prescription. These situations include:

- Pharmacy associate guesses at the identity of a suspect or incorrectly identifies a legitimate patient instead of the actual suspect who possessed the forged or altered prescription.
- Prescriber's office does not have a record of the prescription because the prescriber authorized the prescription after hours.
- Prescribers in practice with other practitioners may fail to properly communicate within their practice.



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Notes: These situations highlight the importance of following the specific procedures outlined in this POM.

- **Strict adherence** to the POM minimizes the likelihood that a pharmacy associate will provide information to law enforcement that he or she does not recall and believe is accurate and/or that an associate will feel pressured to guess at the identity of a suspect.
- **Strict adherence** to the POM ensures that any observations made and actions taken by a pharmacy associate in the handling of a suspected forged or altered prescription have been thoroughly and properly documented in the pharmacy files. The existence of such documentation minimizes any risk to the company in connection with an arrest of a patient bearing a legitimate prescription.

Detention of Persons Presenting Forged or Altered Scripts

Walmart associates should never attempt to stall or detain a suspect.

Should law enforcement arrive while the suspect is still in the facility, provide pertinent, **accurate** information. Any decision to approach or pursue the suspect is the sole responsibility of law enforcement

Identifying Persons Who Drop off Suspected Forged or Altered Prescriptions

If law enforcement asks an associate to identify the person who presented a forged or altered prescription, it is very important for the associate to be certain of the information they provide. Associates should never guess or provide opinions, as such information may impede law enforcement's efforts to investigate.

- Notes:**
- Associates should note on the back of the prescription any physical characteristics which they reasonably recall and believe are accurate. This will assist law enforcement in identifying the suspect.
 - Keep in mind that associates may not remember specifically which patient dropped off the suspected prescription(s). More than likely, an associate will have assisted several patients by the time the prescription is identified as forged or altered. In a busy pharmacy, it may be difficult to accurately recall the physical description of the responsible person. Associates should feel comfortable telling law enforcement that they cannot recall



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specific information, and associates should not feel pressured to make a guess.

- At the same time, associates should be forthcoming with law enforcement with regard to information they recall and believe is accurate.

Request to File Charges

Law enforcement officials will determine if they have sufficient evidence for an arrest. It is up to law enforcement officials to decide whether to make an arrest based on the evidence. It is **not necessary** for Walmart to "file charges."

Notes:

- STORE-LEVEL PERSONNEL ARE NOT AUTHORIZED TO MAKE THE DECISION TO FILE CHARGES. While Walmart Associates should cooperate with law enforcement in accordance with this policy, the decision to arrest or not arrest a suspect lies solely with law enforcement and Walmart Associates should not influence or play a role in that decision.
- If you are asked to file charges, please contact Regulatory Affairs at (479) 204-8014 or the Walmart legal department at (479) 273-4505 (ask to be connected to health & wellness legal).

Request by Law Enforcement to Fill Forged or Altered Prescription

Knowingly dispensing a forged or altered prescription is **illegal**. Any request or direction from law enforcement to fill a forged or altered prescription must be refused. Filling a forged or altered prescription even at the direction of law enforcement is not permitted, and law enforcement "sting operations" or similar activities aimed at catching a suspect in the act may threaten the safety of patients and associates. An associate who fills a forged or altered prescription, even at the direction of law enforcement, violates company policy and may be subject to disciplinary action up to and including termination.

Note: Contact Regulatory Affairs at (479) 204-8014 if asked by law enforcement to dispense verified forged or altered prescription(s).

HIPAA Regulations Regarding Altered/ Forged Prescriptions

It is permissible to share information regarding known (verified) forged or altered prescription(s) with other area pharmacies and health care providers.

Note Disclosure of forged or altered prescription(s) should only be made to healthcare professionals and law enforcement officials.



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Fraudulent prescriptions do not qualify as Protected Health Information (PHI), so disclosing information in order to prevent the filling of these prescriptions is not a violation of HIPAA.

Releasing Documents to Law Enforcement

A subpoena is not required by law enforcement officials to obtain records regarding a forged or altered prescription. A copy of the prescription(s) may be provided to law enforcement upon request. If law enforcement officials request the original document, you may release it to them. Process requests for the original document using the following steps:

Step	Action Required
1	If you have not already done so, make two scanned copies of the prescription(s) for your records
2	Obtain a signature of receipt from the requesting law enforcement official for the provided prescription(s).
	Note: The receipt should contain the officer's name, contact information, and reason for request.
3	Attach receipt to the scanned copy and maintain in the prescription hardcopy records. File the other copy in your "Forged Prescription" file.

Home Office Contacts Numbers

- Health and Wellness Regulatory Affairs: (479) 204-8014
- Legal: (479) 273-4505 (ask to be connected to Health and Wellness Legal)
- Health and Wellness Asset Protection: (479) 277-9289

Frequently Asked Questions

Click [here](#) for answers to questions regarding the most common scenarios you may encounter when handling suspected fraudulent or forged prescriptions. If you have additional questions, please contact your Market Health and Wellness Director or Regulatory Affairs